IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2684 OF 2006
IN
WRIT PETITION NO.6845 OF 2006

Smt.Mohini Baburao Rasai ..Petitioner

Vs.

Gahininath Sambhaji Bhandare ..Respondents

Mr.Abhinandan B.Vagyani for the petitioner

Mr.U.T.Naik for respondent nos.3,5 to 8, 10 & 11

CORAM : A.P.DESHPANDE, J

DATED : 7TH NOVEMBER, 2006

P.C.:

1. The learned counsel for the petitioner submits that inadvertently an incorrect statement of fact is made in the petition that the evidence of the petitioner is not concluded and hence, he seeks to correct the same by stating that his evidence is already recorded on 19.9.06. The learned counsel for the petitioner further states that the petitioner's evidence is closed on 19.9.06.

2. The learned counsel seeks permission to withdraw the writ petition with liberty to raise all the grounds that are raised in this writ petition in a regular first appeal, in the event if the judgment and decree goes against him. Petition is allowed to be withdrawn with liberty as prayed for.

3. Petition is dismissed as withdrawn. In view thereof, Civil Application does not survive. The same is dismissed as infructuous.

(SHRI A.P.DESHPANDE, J)